

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In re ENRON CORP.
SECURITIES LITIGATION

Consolidated Lead No. H-01-3624

RALPH A. WILT, JR.,
KIERAN J. MAHONEY,
and DAVID I. LEVINE,

Plaintiffs,

Civil Action No. H-02-0576

V.

ANDREW S. FASTOW, *et al.*,

Defendants.

**ORDER ON PLAINTIFFS' STATEMENT OF INTENT TO PROCEED UNDER
THE NEWBY CONSOLIDATED AMENDED COMPLAINT AND MOTION
FOR VOLUNTARY DISMISSAL WITHOUT PREJUDICE**

The Court has considered the Plaintiff's Statement of Intent to Proceed Under the Newby Consolidated Amended Complaint and Motion for Voluntary Dismissal Without Prejudice and finds that same should be GRANTED.

The Court therefore ORDERS as follows:

1. Plaintiffs' intention to proceed under the *Newby* Consolidated Amended Complaint, Consolidated Lead No. H-01-3624, is hereby recognized;
2. Plaintiffs' suit No. H-02-0576 is hereby dismissed without prejudice;
3. Plaintiffs' rights to continued participation in discovery in the consolidated proceedings are hereby recognized and Plaintiffs' counsel shall remain of record herein for such purposes; and

4. Plaintiffs' right to refile, if necessary, any claims asserted in this matter, is protected from the payment of any costs associated with this or any future related action that could arise as a result of Plaintiffs' decision to proceed under the Consolidated Amended Complaint in *Newby*.

Signed this 13th day of August, 2003.

Melinda Ham
UNITED STATES DISTRICT JUDGE